

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

MAY 16 2007

Case No. 5599
Date Filed 5/10/07
Hearing Date _____
Receipt _____
Fee \$450.00

Shaded Areas for Office Use Only

Type of Application

☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☒ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5599 MAP 42 TYPE Variance ELECTION DISTRICT 03

LOCATION 200 Terrace View Court, Churchville 21028

BY Robert and Diane Jones

Appealed because a variance pursuant to Sec. 267-34(C) Table II of the Harford County Code to permit a garage to maintain a minimum front yard setback of 29' (50' required) in the AG District, requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Robert Wayne Jones Phone Number 410 399-4653
Address 200 Terrace View Ct. Churchville MD 21028
Street Number Street City State Zip Code

Co-Applicant Diane C. Jones Phone Number 410 399-4653
Address 200 Terrace View Ct. Churchville MD 21028
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 200 Terrace View Ct.
Churchville, MD 21028

Subdivision Churchville Meadows 3327 Lot Number 19

Acreage/Lot Size 2.28 Election District 03 Zoning Res AG

Tax Map No. 42 Grid No. 2E Parcel 504 Water/Sewer: Private X Public

List ALL structures on property and current use: Primary residence only
No other structures

Estimated time required to present case: 30 minutes

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No No

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No ✓

Is this request within one (1) mile of any incorporated town limits? Yes _____ No ☒

Request

Request: Area variance for new garage beyond 50' setback.

Justification

Sec Attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Request for Area Variance for Proposed Garage

**Robert & Diane Jones
200 Terrace View Ct.
Churchville, MD 21028**

The following information relates to the request for an area variance on the building setback line for 200 Terrace View Ct. Churchville MD 21028.

The total land area for this address is 2.28 acres. The lot is a corner lot and as such is considered to have two front yards. The width of the lot where the existing residence is situated is 177 ft. The building setback lines are 40 feet on the left and 50 feet on the right. The residence itself is 83.5 feet in length which leaves only a few feet left in the building envelope. The lot is long and narrow and the builder placed the dwelling on the narrowest portion of the lot. The dwelling was a spec home and could have been situated facing east toward Terrace View Court in the center of the lot which would have made the variance unnecessary. The building area is very restrictive due to its irregular shape and the location of the septic. All of the other homes on the cul-de-sac are situated facing the Terrace View Court.

The other corner lots in Churchville Meadows are more square in shape and can therefore accommodate an additional garage without needing a variance for building set back.

The home directly across from my driveway (2906 Meadow View Way) currently has a garage situated exactly as I propose in my plan. This lot is also a corner lot. In addition to this home, there is also a home at the end of Terrace View Court (202 Terrace View) which has an attached in-law residence on the north end of the lot. The homes at numbers 101 and 102 Country View Court have an additional garage situated similarly to my proposal (see photographs).

All of the adjoining property owners have had opportunity to review my proposal and are not opposed. They have indicated so in writing (see attached list). I have also presented my proposal to the Churchville Meadows Architectural Committee and have received their ok (see attached).

The proposed garage cannot be situated to the rear of the existing dwelling and within the building setback due to the fact that the septic tanks are located there. The plat depicts the tanks directly north but they are actually situated to the northeast (see aerial view). Placing the garage here would necessitate relocation of the septic system and tanks.

The driveway and pad exist as shown on the plat. To situate the garage farther north on the lot and within the setback would require installation of an additional driveway off Terrace View Court and also relocation of the septic reserve. To situate the garage on the west end of the lot encroaches on the forty foot setback line and also requires an additional driveway off the front of the property onto Meadow View Way.

The actual distance from the edge of the paved portion of Terrace View Court to the east wall of the proposed garage is thirty feet. The final drawing depicts landscaping and trees to be planted on the Terrace View Court side of the garage and to its rear.

Robert W. Jones

Robert W. Jones

**CHURCHVILLE MEADOWS
ARCHITECTURAL CONTROL COMMITTEE**

26 S. Main Street
Bel Air, Maryland 21014
(410)879-2136

May 9, 2007

Mr. and Mrs. Robert W. Jones
200 Terrace View Way
Churchville, Maryland 21028

Re: 200 Terrace View Way
Churchville, Maryland 21028

Dear Mr. and Mrs. Jones,

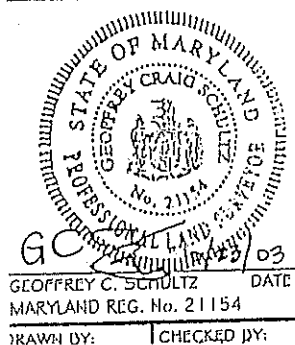
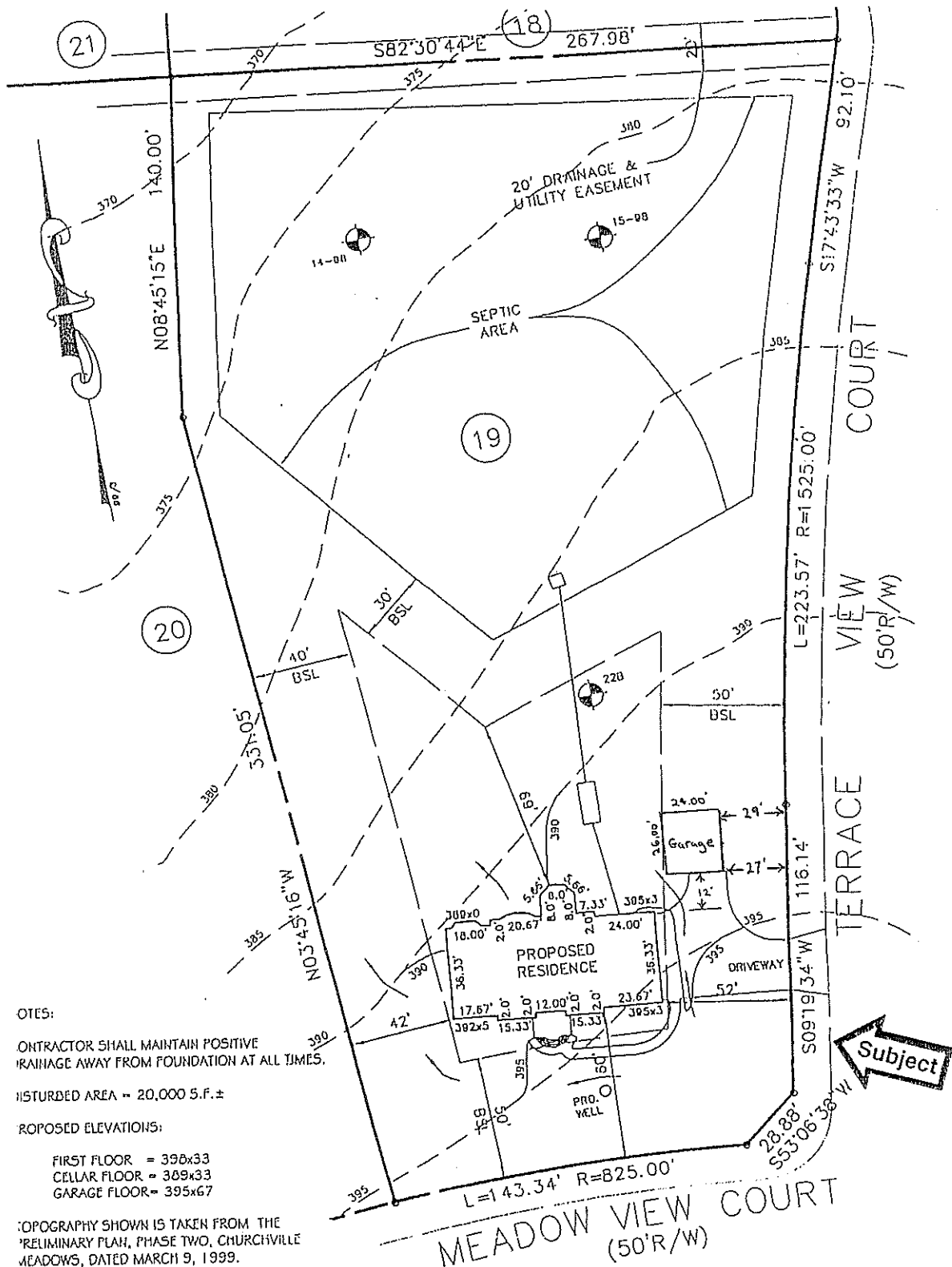
This letter shall serve as written confirmation that the construction plans and site plan submitted for the detached garage to be built on the above referenced property meets with this Committee's approval.

I trust this correspondence is sufficient for your needs.

Kindest regards.

Sincerely,


Stewart H. Getz



SITE GRADING PLAN
#2904 MEADOW VIEW way
 LOT 19, PHASE TWO, "CHURCHVILLE MEADOWS", 99/3
 3RD ELECTION DISTRICT HARFORD COUNTY, MD

McKEE & ASSOCIATES, INC.
 Engineering - Surveying - Natural Resources Planning
 Natural Resource Planning - Real Estate Development
 SHAWAN PLACE, 3 SHAWAN ROAD COCKEYSVILLE, MARYLAND 21030
 TELEPHONE: (410) 437-1444 FAX: (410) 437-1441

SCALE:
 1" = 50'
 DATE:
 10-22-2002
 REVISION:
 JOB No.:
 GAST 266

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

May 30, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5599

APPLICANT/OWNER: Robert Wayne Jones
200 Terrace View Court, Churchville, Maryland 21028

Co-APPLICANT: Diane C. Jones
200 Terrace View Court, Churchville, Maryland 21028

REPRESENTATIVE: Applicants

LOCATION: 200 Terrace View Court – Churchville Meadows
Tax Map: 42 / Grid: 2E / Parcel: 504 / Lot: 19
Election District: Three (3rd)

ACREAGE: 2.28 acres

ZONING: AG/Agricultural

DATE FILED: May 10, 2007

HEARING DATE: June 27, 2007

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

“Area variance for new garage beyond 50’ setback.”

Justification:

See Attachment 1.

Preserving Harford's past; promoting Harford's future

STAFF REPORT

Board of Appeals Case Number 5599

Robert & Diane Jones

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CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-34(C) Table II of the Harford County Code to permit a garage to maintain a minimum front yard setback of 27-feet (50-feet required) in the AG/Agricultural District.

A copy of Section 267-34(C) Table II of the Harford County Code is enclosed with the report (Attachment 2).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located north of Churchville and east MD Route 136 in the development of Churchville Meadows. The property is situated on the northwest corner of Meadow View Way and Terrace View Court. A location map, the Applicant's site plan and a copy of the record plat are enclosed with the report (Attachments 3, 4 and 5).

The subject property is located outside of the Development Envelope. The predominant land use designation in this area is Agricultural. The Natural Features Map reflects stream systems. The subject property is designated as Agricultural which is defined by the 2004 Master Plan as:

Agricultural – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 6 and 7).

Land Use – Existing:

The existing land uses in this general area of the County conform to the overall intent of the Master Plan. The predominant land use is Agriculture and includes cropland, pastureland and large areas of dense woodland. There are also several residential subdivisions in the area. The topography of the area ranges from rolling to steep especially near Deer Creek and its many tributaries. Enclosed with the report is a copy of the topography map and aerial photographs (Attachments 8, 9 & 10).

The lot has frontage on both Meadow View Court and Terrace View Court. The dwelling faces Meadow View Court and the driveway access and address are from Terrace View Court. The well is located towards Meadow View Court and the septic system and drain fields are located to

STAFF REPORT

Board of Appeals Case Number 5599

Robert & Diane Jones

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the rear of the dwelling. The existing improvements include a brick and frame two story dwelling with an attached three car garage, a deck on the rear of the dwelling and a blacktopped driveway and parking pad. Attached are site photos (Attachment 11).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The primary zoning classification in the area is AG/Agricultural. Several of the residential developments are zoned RR/Rural Residential. Commercial zoning includes B3/General Business and VB/Village Business Districts. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the zoning map (Attachment 12).

SUMMARY:

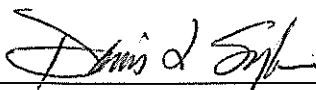
The Applicants are seeking a variance pursuant to Section 267-34(C) Table II of the Harford County Code to permit a garage to maintain a minimum front yard setback of 29-feet (50-feet required) in the AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

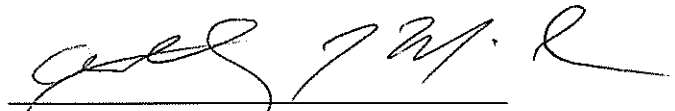
The Department finds that the Applicant has not provided sufficient justification to support the requested variance. The subject property is not unique compared to other lots in the area. In fact, the adjacent lot that fronts on Clearview Road has similar features.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be denied.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf